



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

EFW/1653
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Applicant: Kevin P. McGrath et al.
Title: PEPTIDE ACTIVATORS OF VEGF

Docket No.: 1443.025US1
Filed: December 21, 2001
Examiner: Samuel Wei Liu

Serial No.: 10/032,361
Due Date: July 26, 2004
Group Art Unit: 1653

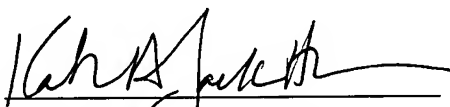
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard.
- ☒ Response to a Restriction Requirement (2 Pages).
- ☒ Petition for Extension of Time (1 pg.)
- ☒ A check in the amount of \$110.00 to cover the Extension of Time Fee.

If not provided for in a separate paper filed herewith, Please consider this a **PETITION FOR EXTENSION OF TIME** for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
Customer Number 21186

By: 
Atty: Katharine A. Jackson Huebsch
Reg. No. 47,670

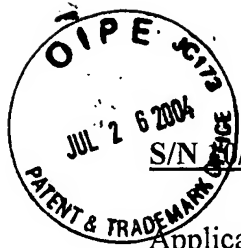
CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 23 day of July, 2004.

Gina M. Uphus

Name


Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
(GENERAL)



S/N 10/032,361

PATENT

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Examiner: Samuel W. Liu, Ph.D.

Serial No.: 10/032,361

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is in response to the Restriction Requirement mailed May 26, 2004, where the Examiner requested election of one of the following groups:

Group I (claims 1-29), directed to a peptide and a pharmaceutical formulation comprising the peptide; and

Group II (claims 30-42), directed to a method of inhibiting hypoxia-inducible factor 1 alpha ubiquitination in a mammalian cell comprising contacting a mammalian cell with such a peptide. Applicant notes that claims 43-49 are not referred to in the Restriction Requirement. As claims 43-49 are also directed to such a method, for purposes of this Restriction Requirement Applicant submits that they are members of Group II.

Applicants provisionally elect, with traverse, the claims of Group I (claims 1-29).

The Restriction Requirement is traversed on the basis that Restriction Requirements are optional in all cases. M.P.E.P. § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions. M.P.E.P. § 803. It is respectfully submitted that the search and examination of the claims can be made without serious burden on the Office. Thus, reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

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Applicants understand that the subject matter of the non-elected claims reading thereon may be pursued in a divisional patent application which shall enjoy all rights a benefits of 35 U.S.C §121.

Respectfully submitted,

KEVIN P. MCGRATH, ET AL

By his Representatives,

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Date 22 July 2004

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Reg. No. 47,670

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 23 day of July, 2004.

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